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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,074	03/06/2002	Stephen Paul Maginas		8494

7590
Stephen P. Maginas
3404 25th Street
Rock Island, IL 61201

09/02/2005

EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/092,074	Applicant(s) MAGINAS, STEPHEN PAUL	
	Examiner Stella L. Woo	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21- are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 03165654

A (hereinafter "Ota") in view of Clapper (US 2002/0080941 A1).

Ota discloses a communication apparatus (Figure 1) comprising:

a substrate (card storage medium 5);

machine readable data disposed upon or within said substrate comprising commands directing a communication device to transmit said message (dialing information is stored onto the card storage medium 5 so that when the card storage medium 5 is loaded to a card reader 4 of telephone set 1, the opposite party is dialed and a message, including name and address information, is automatically sent to the opposite party; Abstract and Constitution).

Ota differs from claim 21 in that although it provides some human readable data (telephone number data, which is stored on card storage medium 5, is printed on each card storage medium 5, allowing the user to know what telephone number is stored on the card; Figure 1), it does not teach the human readable data as fully disclosing the message information, which is stored along with the telephone number data. However, Clapper a message card and the desirability of printing all stored messages on the face of the card (page 3, para. 36) such that it would have been obvious to an artisan of ordinary skill to incorporate such disclosure of stored

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messages, as taught by Clapper, within the message card of Ota so that a user is informed of the particular message stored on the card medium as well as the telephone number data.

Ota further differs from claim 21 in that although Ota provides for additional machine-readable commands and additional data (note multiple card storage mediums 5 with different telephone number data in Figures 1 and 2), it does not teach additional commands and data being disposed on the same substrate. However, Clapper teaches the provision of multiple predefined messages on the same message card (page 3, para. 36) such that it would have been obvious to artisan of ordinary skill at the time of invention to provide additional data on the same substrate, as taught by Clapper, within a card storage medium of Ota so that a user can conveniently select from a plurality of messages and associated destinations using a single card medium.

3. Claims 22-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota in view of Clapper, as applied to claim 21 above, and further in view of Taskett (US 5,923,734).

The combination of Ota and Clapper differs from claims 22-30 in that it does not teach the human readable data as comprising directions. However, Taskett teaches the desirability of providing complete instructions on the face of a telephone card (see Figure 1) such that it would have been obvious to an artisan of ordinary skill to provide complete instructions, as taught by Taskett, within the combination of Ota and Clapper in order to provide directions to any user of the card.

Regarding claim 23, Taskett provides for disclosing international or common standards (note step 3 of instructions in Figure 1).

Regarding claims 24, 26, in Taskett, the bottom of card 100 indicates that complete instructions, terms and conditions are enclosed (Figure 1).

Regarding claim 25, Clapper provides for using a magnetic strip card reader (col. 4, lines 52-56).

Regarding claim 31, Ota provides for attaching a card holder 6 to the telephone apparatus (see Figure 1).

Response to Arguments

4. Applicant's arguments with respect to claims 21-31 have been considered but are moot in view of the new grounds of rejection.

Conclusion

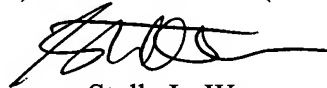
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stella L. Woo
Primary Examiner
Art Unit 2643